

WATER QUALITY CONTROL BOARD NORTH COAST REGION

EXECUTIVE OFFICER'S REPORT

April & May 2003

TIMBER HARVEST DIVISION

Challenges to Interim Timber Waiver

[Staff Contact: Nathan Quarles]

The interim timber waiver has been challenged by WaterKeeper and the Humboldt Watershed Council, in both the Sonoma County Superior Court and before the State Water Board. A motion was filed on the Regional Water Board's behalf to stay the judicial proceedings until the State Water Board has completed its review. The petitioners concurrently filed a motion for the court to stay the effect of the timber waiver, pending litigation on the CEQA claims. On June 10, 2003, Judge Owen will be hearing arguments on both motions.

Various challenges, in court as well as before the State Water Board, were also filed on the Central Valley and Lahontan Regions' timber waivers. The State Water Board is conducting a hearing on all three waivers on August 12, 13, and possibly 14, 2003. The North Coast waiver, being different than the other two waivers, will be heard first and separately, then the Central Valley and Lahontan Region waivers. There will be a final round of briefs after the State Water Board hearing, with a decision to follow at some indeterminate time after that.

Unless the Superior Court grants the Regional Water Board's motion to stay the proceedings, the hearing on the merits of the CEQA claims will be conducted on August 18, 2003.

Signing Of Memorandum Of Understanding With The California Department Of Forestry And Fire Protection (CDF)

[Staff Contact: Frank Reichmuth]

On March 14, 2003, the State Water Resources Control Board (State Water Board) Executive Director, Celeste Cantú, signed a Memorandum of Understanding (MOU) with the Director of CDF, Andrea Tuttle. The MOU also involves "Designated Regional Water Quality Control Boards," including the North Coast, Central Coast, Central Valley, and Lahontan Regions.

The draft MOU was in discussion with all affected regions since August of 2002, and was discussed before the North Coast Regional Water Board in December 2002 and January 2003. The Regional Water Board reviewed a then-current draft of the MOU document and discussed provisions of the proposed MOU at the January 2003 Board meeting. The draft document contained several agreements, including a new dispute resolution process, which is an important element in coordination between the Regional Water Boards and CDF. Susan Warner, Executive Officer, had indicated in January that she would sign the final document unless significant changes were made in areas of concern to the Board, in which latter case the document would again be considered at a Board meeting. No significant, substantive changes were made to the document following the January 2003 Board meeting, and therefore signing the document to enter into this MOU is appropriate.

Original signatures are being obtained by circulating copies of the final MOU. Andrea Tuttle signed the MOU on March 19, Tom Pinkos of the Central Valley Region signed on May 14, Roger Briggs of the Central Coast Region signed on May 20, and Susan Warner signed the document on June 2., 2003. Lahontan Executive Officer Harold Singer is to receive the original signatory page next for his signature, which will then complete the document. A copy of the final document will be sent to the Regional Water Board members following completion of all signings.

Joint Meeting Of The State Board Of Forestry And Fire Protection (BOF) And The State Water Resources Control Board (State Water Board)

[Staff Contact: Frank Reichmuth]

The BOF and the State Water Board participated jointly in a field trip on June 4, 2003 (Wednesday) to review selected sites on the lands of Sierra Pacific Industries near Arnold, California, to review watershed monitoring efforts and the impacts of various timber harvesting regimes on water quality. Later that day, the Joint Boards will consider an agenda that includes:

- Review and Update on the Status of the March 2003 Memorandum of Understanding between the Director of the Department of Forestry and Fire Protection, Executive Director of the State Water Resources Control Board, and Executive Officers of the North Coast, Central Valley, Central Coast and Lahontan Regional Water Quality Control Boards
- Report on the Progress of the Interagency Monitoring Work Group, Discussion of Policy Issues, and Potential Policy Direction from the Respective Boards
- Report on the Progress of Departmental and Interagency Cumulative Watershed Effects Work Groups, Discussion of Policy Issues, and Potential Policy Direction from the Respective Boards
- Review and Consideration of Updating the existing "Management Agency Agreement between the Water Resources Control Board,

the Board of Forestry, and the Department of Forestry and Fire Protection, State of California.

Staff attended the workshop, commented on these matters, and will update the Regional Water Board during the June meeting.

Update on the Humboldt Watersheds Independent Science Review Panel

[Staff Contact: Holly Lundborg]

On May 5, 2003, the Humboldt Watersheds Independent Science Review Panel met in Eureka to gather pertinent information as it related to their activities as described in the Phase II Terms of Reference. The panel members were able to hear oral presentations and ask questions of a number of interested parties relative to water quality and Pacific Lumber Company's Aquatic Habitat Conservation Plan. Due, in part, to facilitation by CONCUR, Inc., the tone and demeanor of the all day meeting remained courtesy, professional and scientific in nature. The Panel expressed their appreciation of all the participants, requested the submission of a number of additional documents based on the presentations made during the meeting, and informed the audience that they intended to have a final report available for public review by mid summer.

WATERSHED PROTECTION DIVISION

Del Rio Woods Update

[Staff Contact: Andrew Jensen]

On September 26, 2002, an update on a Request for a Report of Waste Discharge for the Del Rio Woods Summer Dam was presented to the Regional Water Board (Board). Regional Water Board staff member Mr. Andrew Jensen presented the Board with an update regarding the summer dam project performed seasonally by the Del Rio Woods Recreation and Park District (District). Justice Don King addressed the Board, representing the District, and presented the Board with a historical perspective and discussion regarding the proposed summer dam construction in future years. Also present at the Board meeting were approximately 50-60 public citizens interested in the Del Rio Dam

project. The District was instructed by the Board to work with Regional Water Board staff to find an interim project solution which would protect the beneficial uses of the Russian River and subsequently allow the Regional Water Board to permit the placement and removal of the summer dam structure over the next two years while a permanent project is developed.

The District retained Mr. Fred Euphrat of Forest, Soil and Water, Inc. to work on the design of an interim project. Regional Water Board staff members Mr. Bob Tancreto and Mr. Andrew Jensen met with Mr. Euphrat on October 23, 2002 to discuss an interim plan for the placement and removal of the summer dam for the next couple of years. During the meeting, Mr. Euphrat proposed a plan to incorporate large culverts into one of the earthen berms, which would be capped, and prior to removal of the berms could be uncapped and used to drain down the reservoir behind the dam structure. Mr. Tancreto and Mr. Jensen discussed the preliminary plan with Mr. Euphrat and told him of the permitting requirements, and that the interim plan would likely only be allowed for two years while the permanent project is being developed. Mr. Euphrat was given a copy of the Water Quality Certification application to use to apply for a Section 401 Clean Water Act Water Quality Certification/Waste Discharge Requirements for the project. Mr. Euphrat said that he would complete the application and be in touch in the near future.

On March 4, 2003 Mr. Fred Euphrat, Forest, Soil and Water, Inc, applied for a Waiver of Waste Discharge and/or Water Quality Certification (Dredge / Fill Projects), on behalf of the Del Rio Woods Park and Recreation District. The proposed project was revised to include an inflatable dam structure and a berm outside of the wetted channel, rather than the previously proposed culvert and berm structure.

The proposed project includes construction of a temporary dam across the Russian River at Del Rio Woods Recreation Area. The impoundment structure will consist of a combination of earthen fill placed on the gravel bar, outside the wetted channel, and a water-inflatable rubber dam structure. The use of the inflatable structure will eliminate the need to place earthen fill within the

flow of the Russian River, which will eliminate or greatly reduce turbidity discharges to the river. The earthen fill will be approximately 100 feet in length and the inflatable rubber dam will be approximately 80 feet long. The proposed dates for installation and removal of the impoundment are June 30th through July 3rd and September 8th through September 11th, respectively. A mitigation monitoring protocol has been proposed by Mr. Euphrat, which includes: monitoring of turbidity prior to and during installation and removal; turbidity monitoring on a weekly basis during the summer season; temperature monitoring within the impoundment and downstream, pool mapping by airphoto; pool depth measurements; pool complexity and habitat evaluation; and wildlife observation.

On May 8, 2003 Mr. Jensen met with several representatives from California Department of Fish and Game (DFG), National Marine Fisheries Service (NMFS) and the District, to discuss the application packet submitted on March 4, 2003. Mr. Jensen told the group that the application had been deemed complete and that as proposed, the project appeared to significantly reduce potential water quality impacts. Mr. Jensen stated that a Public Notice would be prepared for the project within the next two months and a Conditional Water Quality Certification would be issued shortly thereafter. Staff from the NMFS indicated that a Biological Opinion would have to be completed for the project prior to approval and that one could not be completed prior to this summer season. Therefore it appears that the impoundment will not be constructed until the summer of 2004. A mitigated Negative Declaration and Initial Study and Mitigation and Monitoring Plan has been completed for the project and is currently being circulated for comments through the State Clearinghouse.

Mr. Jensen is currently preparing the Public Notice for the project and all public comments will be considered during the permitting process.

Update On NPDES Permit For Tulelake Irrigation District's Groundwater Pumping Project

Tulelake Irrigation District (TID) constructed ten deep groundwater wells during summer 2001 to develop a groundwater resource that could be pumped to augment surface water flows in the Upper Klamath River Basin (UKRB). The wells were constructed at a time when a state of emergency was declared by Governor Davis after a severe drought in the UKRB. The purpose of these wells is to provide water to farmers in the Tulelake area in lieu of them drawing surface water out of the Lost River and Upper Klamath River.

The wells range in depth from 1,000 feet to 2,000 feet and yield from 4,000 gallons per minute to 12,000 gallons per minute (6 mgd to 12 mgd) each. Due to the volcanic origin of the groundwater resource and some groundwater data that indicated the presence of heavy metals and high nutrients and temperature, Regional Water Board staff formally requested that the TID and US Bureau of Reclamation submit a Report of Waste Discharge by November 29, 2002.

The ROWD was submitted in a timely manner and included water quality data collected by both the California Department of Water Resources and the US Bureau of Reclamation 2001 and 2002 pumping seasons. In general, the data revealed that there is a low threat to beneficial uses in the Tulelake Basin from the approximately 20,000 acre-feet of groundwater being pumped per irrigation season from the ten TID wells. Some data gaps did occur, however, which necessitate additional sampling during this summer irrigation season. Receiving water monitoring for temperature, pH, and hardness was not conducted in order to determine toxicity of ammonia metals in the receiving water, and detection limits for some metals were too high to determine if water quality objectives would be exceeded. Consequently, Regional Water Board staff currently is discussing the parameters of a revised monitoring program to be conducted this season. Issuance of an NPDES permit for the groundwater pumping project is on hold until additional data are available. Issuance of an NPDES permit may not be appropriate for this project if additional data indicate that there is a low threat to beneficial uses of surface waters in the Tulelake Basin.

Update on the Central Valley Regional Water Board" Draft Calpine Order

[Staff Contact: Miguel Villicana]

The Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board) will consider adopting waste discharge requirements (WDRs) for Calpine Siskiyou Geothermal Partners, L.P. and CPN Telephone Flat, Inc. on July 10 and 11, 2003. Calpine Siskiyou Geothermal Partners, L.P. and CPN Telephone Flat, Inc. are wholly subsidiaries of Calpine Corporation. The WDRs would cover activities in the Telephone Flat area, located entirely within the Central Valley Region, and well pad locations 64-27 and 85-33 located in the North Coast Region.

Waste discharge requirements would regulate geothermal exploration and development project activities. These activities include drilling, testing geothermal wells, land clearing, well pad construction, sump construction, fluids discharged to sumps, geothermal fluids transfer between wells and acid injection to wells.

A Memorandum of Agreement, (MOA), among Calpine Corporation, CPN Telephone Flat Inc., North Coast Regional Water Board, and the Central Valley Regional Water Board was signed and became effective on 30 August 2002. The MOA states that each regional board shall regulate the geothermal "exploration" activities within their respective regions. However, the Central Valley Regional Water Board shall regulate the entire Glass Mountain Exploratory Project until the North Coast Regional Water Board is able to adopt WDRs for the parts of the Glass Mountain Exploratory Project that lie within their region. On 27 June 2002, the North Coast Regional Water Board adopted WDRs Order No. R1-2002-0030 for a discharge of geothermal fluid and associated wastes from geothermal exploration operations by the Discharger in the Fourmile Hill area, an area previously covered under the Central Valley Regional Board WDRs Order No. 95-199. Order No. R1-2002-0030 named Calpine Corporation, the USFS, and BLM as Dischargers.

To date the North Coast Regional Water Board has not adopted WDRs covering activities in well pad locations 64-27 and 85-33. Therefore, these locations are being included in the Central Valley Region WDRs.

TIMBER HARVEST ACTIVITIES

During the months of April and May 2003 the Timber Harvest Division received 57 new Timber Harvest Plans (THPs). Staff participated in First Review meetings for 33 THPs and participated in Second Review meetings for 36 THPs. Thirty-seven inspections were also conducted during April and May.

CALIFORNIA WATER CODE SECTION 13267 LETTER ORDERS

There were five California Water Code section 13267(b) letter Orders issued during the months of April and May 2003. One was issued to Almetco Incorporated for cleanup issues associated with Regional Water Board Case Number 1NSO463. Two letter orders were issued for Holland Cleaners, 700 Sebastopol Road, Santa Rosa, Case Number 1NSR406 for cleanup activities. One letter order was issued to Airport Business Center for failure to apply for Section 401 Certification or Waste Discharge Requirements prior to construction activities. The Airport Business Center did file the required application and fees after they received the 13267(b) order and are in compliance as of this time. One letter order was issued to Christopher Stone, Adams Ridge Vineyard/Manchester for necessary tasks for site to be in compliance of their Cleanup and Abatement Order.

CLEANUP AND ABATEMENT ORDERS

There was one Cleanup and Abatement Order issued during the months of April and May 2003. The Cleanup and Abatement Order was issued to Alden Family Vineyards for discharging of sediment into a stream; Humboldt County Civic Center for cleanup activities; Lewiston Valley Water Co POTW for violations of their Waste Discharge Requirements; and Sonoma County Department of Public Works, for failing to fix Old Cazadero Road.

SPILLS, COMPLAINTS, AND INVESTIGATIONS

Five complaints were received during the months of April and May 2003. There was six spills were reported during the months of April and May 2003.

ADMINISTRATIVE CIVIL LIABILITY COMPLAINTS/ ORDERS

One Administrative Civil Liability Complaint was issued during May 2003. Complaint No. R1-2003-0069 was issued to Sierra Pacific Industries, Arcata Division for failure to comply with Cleanup and Abatement Order No. R1-2001-0200. The Complaint includes violations of the site's Waste Discharge Requirements. The amount of the Complaint was \$80,000 with \$60,000 held suspended pending a Supplemental Environmental Project.

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM

For the month of April 2003, there was a total of \$1,864,958 in funds issued to tank owners in Region 1 from the Underground Storage Tank Cleanup Fund. There were two (3) letters of commitment issued during the month of April 2003.

For the month of May 2003, there was a total of \$1,549,200 in funds issued to tank owners in Region 1 from the Underground Storage Tank Cleanup Fund. Additionally, there were 8 letters of commitment from the Cleanup Fund.

CLEAN WATER ACT SECTION 401 CERTIFICATIONS

Seventeen new applications for Clean Water Act Section 401 Water Quality Certification were

received in April and May 2003. Thirteen 401 Certifications were issued in April and May 2003.

Information regarding all proposed certifications is available at our Internet web site at:

http://www.swrcb.ca.gov/rwqcb1/Public_Notices/401certs/notice401.html

PUBLIC FILE REVIEW

From April 1 through May 31, 2003, eight written requests were made for review of the Regional Water Board's records. In addition, a total of 65 people came into the office and requested file review during the month of April and May 2003.

MARCH REGIONAL WATER BOARD WORKSHOPS AND MEETINGS

On August 26, 2003, the North Coast Regional Water Board will hold a workshop with the Humboldt Watersheds Independent Science Review Panel relative to water quality and Pacific Lumber Company's Aquatic Habitat Conservation Plan. The workshop will be held at the North Coast Regional Water Board's Hearing Room.

North Coast Regional Water Board will hold its regularly scheduled Board Meeting on August 27, 2003 at the North Coast Regional Water Board's Hearing Room.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our web-site at <http://www.swrcb.ca.gov>.